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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3668/2023**

AJAY GULIA

..... Petitioner

Through: Mr Amit Saxena with Mr Brijesh Sharm, Ms Saguna Gupta and Mr Mukesh Bhardwaj, Advocates.

versus

THE STATE

..... Respondent

Through: Ms Meenakshi Dahiya, APP for the State with W/ASI Sushma, SI Vikash, PS Najafgarh.

AND

11.

+ **BAIL APPLN. 3799/2023**

PRIYA CHAUDHARY

..... Petitioner

Through: Mr Amit Saxena with Mr Brijesh Sharm, Ms Saguna Gupta and Mr Mukesh Bhardwaj, Advocates.

versus

THE STATE

..... Respondent

Through: Ms Meenakshi Dahiya, APP for the State with W/SI Sushma, SI Vikash, PS Najafgarh.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.03.2024

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1. The BAIL APPLN. 3668/2023 has been filed under Section 438 CrPC seeking anticipatory bail in connection with FIR No.0499/2023 under



Sections 323/509 IPC read with Section 75 Juvenile Justice Act, read with Section 8/10 POCSO Act registered at PS Najafgarh.

2. The petitioner in BAIL APPLN. 3668/2023 is the father of the minor complainant.

3. The BAIL APPLN. 3799/2023 has been filed under Section 438 CrPC read with Section 482 CrPC seeking anticipatory bail in connection with FIR No.0499/2023 under Sections 323/509 IPC read with Section 75 Juvenile Justice Act, read with Section 8/10 POCSO Act registered at PS Najafgarh. The petitioner in this bail application is a step mother of the minor complainant.

4. The brief facts of the case are that the parents of the complainant are divorced and the complainant is residing with her father, step mother and grandmother. It is alleged that the complainant was being denied food by the petitioner and his wife, i.e., the step mother of the complainant. It is further alleged that the step mother used to beat the complainant and would also call her characterless and make her do all the household work. This led to the registration of the aforesaid FIR.

5. Learned counsel for the petitioners submits that the petitioner in BAIL APPLN. 3668/2023 is the biological father of the complainant and the divorce had already taken place between him and the biological mother of the complainant as early as in the year 2018.

6. He submits that after the interim protection was granted to the petitioners, they have joined investigation as and when they were called upon by the IO concerned. This position is not disputed by the learned APP, on instructions from the IO, who is present in the Court.

7. Learned APP fairly submits that the chargesheet in the matter has



been filed without arresting the present petitioners and the custody of the petitioners is no more required for any further investigation.

8. In view of the above, it is directed that in the event of petitioners arrest, they may be released on bail subject to their furnishing Personal Bonds in the sum of Rs. 25,000/- and a Surety Bond of the like amount, to the satisfaction of the Investigating Officer /Arresting Officer, further subject to the condition that they will join investigation as and when directed by the IO concerned.

9. The petitions are disposed of.

10. Order *dasti* under signatures of the Court Master.

11. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 18, 2024
MK